

Community Council's Implementation of the Cash-in-Lieu of Parkland Allocation Policy

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To:	City Council
From:	Brenda Patterson, General Manager, Parks, Forestry and Recreation
Wards:	All
Reference Number:	P:\2011\Cluster A\PFR\CC05-030811-AFS#13530

SUMMARY

This report is provided for information to City Council in relation to City Planning's report dated January 18, 2011, entitled, "Final Report - 630-642 Queen Street East – Zoning Amendment Application." (Item TE4.5)

On February 16, 2011, Toronto and East York Community Council requested that the General Manager, Parks, Forestry and Recreation and the Chief Planner and Executive Director, City Planning submit a report to City Council regarding the practices of the four community councils with respect to their implementation of the cash-in-lieu of parkland dedication policy.

This document reports on the practices of the four community councils with respect to their implementation of the cash-in-lieu of parkland dedication allocation policy. City Planning staff have reviewed this report and concur with the conclusions stated.

Parks, Forestry and Recreation, in consultation with City Planning, have determined that staff have consistently recommended the proper implementation of the Cash-In-Lieu of Parkland Allocation policy. In the majority of cases, the policy has been approved and properly applied in the four districts.

On occasion, some councillors have sought to replace the Cash-In-Lieu of Parkland Allocation policy by directing the entire cash-in-lieu payment towards specific park projects. In cases where this has been done, it has been against the recommendation of Parks, Forestry and Recreation and City Planning staff.

It has also been done against the recommendation of the Auditor General. A 2009 Auditor General's report of Parks, Forestry and Recreation's capital program stated that the cash-in-lieu allocation policy remains in place, and that redirecting the entire cash-in-lieu payment to one ward would be contrary to City Council policy. The Auditor General recommended that, "The City Clerk, in consultation with the City Solicitor, clarify Council procedures with respect to recommendations at Community Councils on matters that are contrary to Council policy, and consider requiring that such recommendations state explicitly that a Council policy is being contravened." (Recommendation 10, pg. 24)

Also, the Cash-In-Lieu Allocation Policy has been re-affirmed in the City-Wide Parkland Dedication By-law No.1020-2010, being a by-law "to amend Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Parks Purposes as a Condition of Development to provide for the harmonization of parkland dedication requirements," adopted by City Council in June 2010. This by-law will take effect in May 2011.

Parks, Forestry and Recreation and City Planning staff will continue to apply the policies and bylaws as approved by City Council and uphold the Auditor General's recommendation to do so.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The following City Council adopted reports are important policy references to this report:

- *Cash-In-Lieu of Parkland Allocation Policy*

At its meeting of July 27, 28, 29 and 30, 1999, City Council adopted Clause 1 contained in Report No. 2 of the Planning and Transportation Committee entitled "Further Report on Proposed Use of Funds Generated from Cash-in-lieu of Parkland Dedication," which established the current allocation policy.

<http://www.toronto.ca/legdocs/1999/minutes/council/appa/cc990727/plt2rpt.htm>

- *Alternative Parkland Dedication Rate*

At its meeting in December 2007, City Council adopted Parks and Environment Committee Item PE11.3, which recommended the enactment of a by-law to create a higher (alternate) rate of parkland dedication in identified areas of the City.

<http://www.toronto.ca/legdocs/mmis/2007/pe/reports/2007-11-28-pe11-cr.pdf>

By-law No. 1420-2007, being a by-law "to amend Municipal Code Chapter 415, Development of Land, to provide an alternate rate for the conveyance of land for park

purposes as a condition of residential development” was enacted on December 13, 2007 to implement PE11.3.

<http://www.toronto.ca/legdocs/bylaws/2007/law1420.pdf>

- *Parks, Forestry and Recreation – Capital Program – The backlog in needed repairs continues to grow.*

This report addresses a range of issues, including the cash-in-lieu allocation policy, in connection with the capital program of the Parks, Forestry and Recreation Division.

<http://www.toronto.ca/legdocs/mmis/2009/au/bgrd/backgroundfile-22120.pdf>

- *City of Toronto Parkland Acquisitions from 1998-2009*

At its meeting of June 8 and 9, 2010, City Council adopted with amendments, the recommendations of Parks and Environment Committee Item PE 30.2, which reviewed parkland acquisitions achieved by the City since amalgamation and provided an overview of the land acquisition activities during that period.

<http://www.toronto.ca/legdocs/mmis/2010/pe/reports/2010-05-21-pe30-cr.htm>

- *City Wide Parkland Dedication By-law*

At its meeting of June 8 and 9, 2010, City Council adopted with amendments, Parks and Environment Committee Item EX44.5, which recommended the enactment of a by-law to harmonize the former municipalities' parkland dedication by-laws and practices into a single city-wide parkland dedication by-law.

<http://www.toronto.ca/legdocs/mmis/2010/cc/decisions/2010-06-08-cc50-dd.htm>

By-law No. 1020-2010, being a by-law "to amend Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Parks Purposes as a Condition of Development to provide for the harmonization of parkland dedication requirements" was enacted on August 27, 2010 to implement EX44.5.

<http://www.toronto.ca/legdocs/bylaws/2010/law1020.pdf>

ISSUE BACKGROUND

This report explains the practices of the four community councils with respect to their implementation of the Cash-In-Lieu of Parkland Allocation Policy.

COMMENTS

The "City of Toronto Parkland Acquisitions from 1998-2009" report discussed above provides a clear summary of the Cash-In-Lieu of Parkland Allocation Policy. The policy stipulates that Cash-In-Lieu of Parkland revenues are to be apportioned equally between financing parkland acquisitions and financing capital expenditures on park and recreation facilities, at both the district and city-wide levels. The allocations described above are illustrated by the following graphic:

**Cash-In-lieu Allocation
(5% or below)**

	City Wide	District
Land Acquisition	25% to acquire parkland throughout the City*	25% to acquire parkland within the District*
Park Development	25% to develop and upgrade parks and recreation facilities throughout the City*	25% to develop and upgrade parks and recreation facilities within the District*

*Where priorities have been identified

This allocation policy applies to the 2% cash-in-lieu rate charged for industrial and commercial uses, and the 5% cash-in-lieu rate for all other uses, including the "alternative" parkland dedication requirement for residential uses in identified parkland acquisition priority areas.

According to the Alternative Parkland Dedication Rate, the first 5% cash-in-lieu payment is deposited according to the Cash-In-Lieu Allocation Policy, while any payments received in excess of 5% will be used to acquire parkland that is accessible to the area in which the development is located or to improve parks in the vicinity of the development.

Since the adoption of the Cash-In-Lieu of Parkland Allocation Policy in 1999, Parks, Forestry and Recreation, and City Planning staff have consistently recommended that the 2% and 5% cash-in-lieu payments be apportioned as set out in the policy. In the majority of cases, this is how the Cash-In-Lieu of Parkland Allocation Policy has been implemented in the four districts.

There have, however, been occasions where some councillors have sought to replace the Cash-In-Lieu of Parkland Allocation Policy, and passed motions during Community Council or City Council directing the entire 2% and 5% cash-in-lieu of parkland payments towards specific park projects. In cases where this has been done, it has been against Parks, Forestry and Recreation, and City Planning recommendations.

It is also against the recommendation of the Auditor General. A 2009 Auditor General's report of Parks, Forestry and Recreation's capital program, stated that the cash-in-lieu allocation policy remains in place, and that redirecting the entire cash-in-lieu payment to one ward would be contrary to City Council policy. The Auditor General recommended that, "The City Clerk, in consultation with the City Solicitor, clarify Council procedures with respect to recommendations at Community Councils on matters that are contrary to Council policy, and consider requiring that such recommendations state explicitly that a Council policy is being contravened." (Recommendation 10, pg. 24)

The Cash-In-Lieu Allocation Policy has also been re-affirmed in the City-Wide Parkland Dedication By-law No. 1020-2010, being a by-law "To amend Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Parks Purposes as a Condition of Development to provide for the harmonization of parkland dedication requirements." This by-law was adopted by City Council in June 2010. In May 2011, when the by-law comes into full force and effect, Municipal Code Chapter 415, Development of Land, Article III, § 415-25, will be amended to include the cash-in-lieu allocation in accordance with the Cash-In-Lieu Allocation Policy.

Staff have consistently supported the Cash-In-Lieu of Parkland Allocation Policy because it achieves several objectives. One of these objectives is to enable the City to achieve the goal of service harmonization in stable areas. These areas are identified as being low in park provision and recreational infrastructure, and cannot generate sufficient revenues from development projects. The Policy distributes revenues at both the district and city-wide levels to ensure that these areas can access revenues to improve their parkland provision levels and recreational infrastructure.

Another objective of the Policy is to enable the City to fund the implementation of large-scale projects that have a city-wide draw, or district parks that serve several communities, or more than one district. To achieve the goal of service harmonization and equitable access to parks and recreation facilities for all residents, the approved Cash-In-Lieu of Parkland Allocation Policy should be upheld by the Community Councils and City Council.

Parks, Forestry and Recreation and City Planning staff will continue to apply the policies and bylaws as approved by City Council and uphold the Auditor General's recommendation to do so.

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SIGNATURE

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